

REMARKS/ARGUMENTS

Claims 1-12 were previously pending in this application. Claims 1-3 are amended. Claims 7-12 are cancelled without prejudice or disclaimer. New claims 13-30 are added. No new matter is added by way of the amendments or new claims. Therefore, after entry of the foregoing amendments, claims 1-6 and 13-30 are pending in this application for reconsideration. Applicants believe that in light of the foregoing amendments and following remarks, the present application is in condition for allowance.

Drawing Objections

The drawings stand objected to as failing to comply with 37 C.F.R. 1.84(p)(5) for not including reference signs mentioned in the specification. In response to this objection, the specification is amended to remove the mention of identified reference signs “210a”, “210b”, and “445a.” Therefore, Applicants submit that the drawings include all of the reference signs recited in the specification. Accordingly, Applicants respectfully request the withdrawal of the objections to the drawings.

Claim Objections

Claims 11 and 12 stand objected to as being in improper form for depending from another multiple dependent claim. Cancellation of claims 11 and 12 renders their objections moot.

Claim 3 is amended to correct a minor typographical error by removing the extraneous “an” from the claim. Accordingly, Applicants respectfully request the withdrawal of the objection to claim 3.

Specification Objection

The specification is objected to as failing to provide proper antecedent basis for the subject matter in claim 5. In particular, the Office Action asserts that “updating of an attribute causes a user interface element to move within the user interface” as recited in claim 5 is not clearly supported by the specification. The Office Action asserts that “there is no support or antecedent bases for the recited moving a user interface element, that allows the meaning of the term to be ascertained, as required in 37 CFR 1.75(d)(1).” Office Action dated April 1, 2011, page 3.

Applicants respectfully disagree with this characterization of the specification. At page 15, lines 10-13 the specification recites “the behavior and layout of a Trig can be modified by a Triglet just as easily as it replacing a single image or piece of text.” Additionally, at page 24 the attributes “x” and “y” are both listed as modifiable. Applicants submit that changing the x-coordinate and/or y-coordinate of a frame causes the layout of the user interface to change, and thus causes a user interface element to “move within the user interface.” Therefore, Applicants submit that the meaning of the terms in claim 5 can be ascertained from the specification. Accordingly, Applicants respectfully request withdrawal of the objection to the specification for failure to support the elements of claim 5.

Response to Claim Rejection Under 35 U.S.C. § 101

Claim 7 stands rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claim 7 is canceled, rendering the rejection moot.

New claims 13-18 recite the subject matter of claims 1-6 using Beauregard claim language in a format which complies with the guidelines provided in the Letter by the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, David Kappos entitled Subject Matter Eligibility of Computer Readable Media, 1351 OG 212, dated February 23, 2010. Applicants submit that new claims 13-18 draw their support in part from the original language of claim 7 as well as paragraph [0069] of the specification. Accordingly, Applicants respectfully submit that new claims 13-18 recite patentable subject matter under 35 U.S.C. § 101.

Response to Claim Rejections Under 35 U.S.C. § 102(e) over Gilboa

Claims 1 and 6-12 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,412,658 to Gilboa (“Gilboa”). Applicants respectfully traverse these rejections on the grounds that Gilboa fails to disclose every element recited in the claims as amended.

A “claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

Independent claim 1 is amended to recite, *inter alia*, “rendering the user interface in accordance with the received user interface operating instruction update and actor attribute update.” This amendment is supported in paragraphs [0013], [0043], and [0051] of U.S. Published Patent Application No. 2008/0282142 (corresponds to WO 2005/081131 at page 4, lines 9-13, page 11, lines 16-28, page 13, lines 5-13), and in the original language of claim 2. The amendment to claim 1 clarifies that the rendering of the user interface is done in accordance with both the received user interface operating instruction *and* the actor attribute update.

Applicants submit that Gilboa fails to disclose rendering the user interface in accordance with the received user interface operating instruction update and actor attribute update. The Office Action admits that Gilboa fails to disclose “if an actor attribute is updated, the update is received by the renderer and the user interface is updated accordingly.” Office Action dated April 1, 2011, page 8. Applicants submit that Gilboa is also silent regarding any user interface operating instruction update. Therefore, Applicants submit that Gilboa fails to teach or suggest every element recited in amended independent claim 1.

For at least these reasons, Applicants submit that independent claim 1 is patentable over Gilboa. Applicants respectfully submit that dependent claim 6, which is amended to depend solely from claim one, for the same reasons as claim 1. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1 and 6 under 35 U.S.C. § 102(e). Cancellation of claims 7-12 render their rejections moot.

Response to Claim Rejections Under 35 U.S.C. § 103(a) over Gilboa in view of Schillings

Claims 2-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gilboa in view of U.S. Patent Publication No. 2005/0021935 to Schillings et al. (“Schillings”). Applicants respectfully traverse these rejections on the grounds that none of the references, taken alone or in combination, teaches or suggests all the elements recited in the claims in view of the amendment to base claim 1.

As discussed above, independent claim 1 is amended to recite, *inter alia*, “rendering the user interface in accordance with the received user interface operating instruction update and actor attribute update.” Claims 2-5 depend from claim 1, and thus also recite this element.

As discussed above in relation to amended claim 1, Gilboa fails to teach or suggest either a user interface operating instruction update or an actor attribute update. Thus, Gilboa necessarily fails to teach or suggest “rendering the user interface in accordance with the received user interface operating instruction update and actor attribute update” as recited in amended claim 1, and thus also claims 2-5.

The Office Action admits that Gilboa fails to disclose “if an actor attribute is updated, the update is received by the renderer and the user interface is updated accordingly.” Office Action dated April 1, 2011, page 8. In order to cure the admitted deficiency of Gilboa, the Office Action cites to Schillings. *Id.*

Regardless of whether Schillings cures the admitted deficiency of Gilboa, Applicants submit that Schillings is silent with respect to the element of “rendering the user interface in accordance with the received user interface operating instruction update *and* actor attribute update.” While Schilling does disclose an actor attribute update, Applicants submit that Schilling is silent regarding any user interface operating instruction update, and thus, does not teach or suggest “rendering the user interface in accordance with the received *user interface operating instruction*” as recited in claims 2-5. (Emphasis added). Therefore, Applicants submit that the combination of Gilboa and Schilling fails to teach or suggest this element of claims 2-5.

Additionally, claim 2 is amended to further recite “the user interface is updated immediately to reflect the actor attribute update; and if a user interface operating instruction is updated, the user interface operating instruction update is received by the renderer and the user interface is not updated to reflect any updated user interface operating instructions until the current content in use by the renderer is no longer displayed in the user interface.” This amendment is supported in paragraph [0043] of U.S. Published Patent Application No. 2008/0282142 (corresponds to WO 2005/081131 at page 11, lines 16-28).

Even if, *arguendo*, that Schillings taught rendering the user interface in accordance with the received user interface operating instruction update, Applicants submit that Schillings fails to teach or suggest any delay in applying user interface updates. Neither the cited portions of Schillings, nor the reference as a whole, teach or suggest any delaying of an update to the user interface operating instructions after receiving an update at the renderer. Applicants submit that Gilboa is also silent regarding any application of user interface updates, delayed or not, and

therefore, the combination of Gilboa and Schilling also fails to teach or suggest this additional element of claims 2-5.

For at least these reasons, Applicants respectfully submit that claim 2, as well as claims 3-5 which depend there from, are patentable over Gilboa in view of Schillings because, neither reference, taken alone or in combination, teaches or suggests all of the elements recited in the claims is amended. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 2-5 under 35 U.S.C. § 103(a).

New Claims

New claims 13-18 recite the subject matter of original claim 7, but rewritten in non-multiple dependent claim format and in line with the guidelines provided in the Letter by the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, David Kappos entitled Subject Matter Eligibility of Computer Readable Media, 1351 OG 212, dated February 23, 2010. Support for new claims 13-18 can be found in the specification of U.S. Published Patent Application No. 2008/0282142 in paragraphs [0013], [0043], [0051], [0065], and [0069] (corresponding to WO 2005/081131 page 4, lines 9-13, page 11, lines 16-28, page 13, lines 5-13, page 15, lines 20-31, page 17, lines 6-9), and the original language of claims 1-7. Applicants submit that new claims 13-18 are patentable over the cited references for the same reasons as discussed above with respect to claims 1-6.

New claims 19-30 recite the subject matter of original claims 1-6 written in apparatus and means-plus-function format. Support for new claims 19-30 can be found in the specification of U.S. Published Patent Application No. 2008/0282142 in paragraphs [0013], [0043], [0051], [0065], and [0069] (corresponding to WO 2005/081131 page 4, lines 9-13, page 11, lines 16-28, page 13, lines 5-13, page 15, lines 20-31, page 17, lines 6-9), and the original language of claims 1-12. Applicants submit that new claims 19-30 are patentable over the cited references for at least the same reasons as discussed above with respect to claims 1-6.

CONCLUSION

In light of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

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